

CITY UTILITIES COMMITTEE

MINUTES

AUGUST 29, 2006

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, August 29, 2006 at 9:48 a.m.**, in Committee Room #2. The following members were present:

The Honorable Ceasar C. Mitchell, Chair
The Honorable Ivory L. Young, Jr., Vice-Chair
The Honorable Natalyn M. Archibong
The Honorable Howard Shook
The Honorable Clair Muller
The Honorable Carla Smith

Others present at the meeting were: Stephanie Grant, Renee Shepherd and Megan Middleton, Law Department; Deputy Commissioners Shelia Pierce, George Barnes, Sally Mills and Joseph Basista, Department of Watershed Management; Commissioner David E. Scott, Deputy Commissioner Donna Owens, Nursef Kedir and James Swope, Department of Public Works; Cathy Martin, Office of Procurement; Bruce Bell, Office of Contract Compliance; Raines Carter, City Solicitor; Greg Pridgeon and Joe Morris, Office of the Mayor; public and Council Staff.

Chairman Mitchell called the meeting to order at 9:48 a.m. after declaring a quorum present. He then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD TWO ORDINANCES FOR FIRST READING**
- B. APPROVAL OF MINUTES - APPROVED**
- C. AN OVERVIEW OF THE PROCESS FOR ENFORCING THE SIGN ORDINANCE - DPW AND CITY SOLICITOR**
- D. AN OVERVIEW OF THE WATER/SEWER COLLECTION PROCESS - LESLIE WARD - CITY AUDITOR AT THE NEXT CU MEETING**

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E. ORDINANCES FOR SECOND READING

- 06-O-1623 (1) An Ordinance by City Utilities Committee amending the FY2006-2007 (1999 Water and Wastewater & 2004 Water Wastewater Bond Funds) Budget in the amount of \$18,000,000.00, on behalf of the Department of Watershed Management, to transfer funds from the Reserve for Appropriations for construction costs for the R. M. Clayton Water Reclamation Center – Digester Covers Replacement Project and Utoy Creek, South River and Intrenchment Creek Small Capital Projects; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-O-1680 (2) An Ordinance by City Utilities Committee authorizing the Mayor or her designee to execute contracts and **Notices to Proceed** for certain Pump and Water Mains Projects on behalf of the Department of Watershed Management; to negotiate with property owners to acquire necessary rights-of-way, easements and other related property interests, including condemnation proceedings; authorizing the City Attorney to proceed with the Declarations of Taking Method authorized by O.C.G.A. §§22-3-140 and 32-3-4; to acquire title to rights-of-way, easements and other related property interests necessary to complete the water projects; all contracted work shall be charged to and paid from appropriate Land Acquisition and Easement Fund, Account and Center Numbers; and for other purposes.
(Councilmember Mitchell made a motion to hold at the request of the Mayor's Office.)

HELD

ORDINANCES FOR SECOND READING (CONT'D)

- 06-O-1682 (3) A **Substitute** Ordinance by City Utilities Committee authorizing the Mayor or her designee to enter into an appropriate Railroad Crossing Agreements with CSX Transportation, Inc. and Norfolk Southern Railway Company for certain water projects, on behalf of the Department of Watershed Management; to be charged to and paid from appropriate project easement Fund, Account and Center Numbers; and for other purposes.
(Councilmember Shook made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 06-O-1683 (4) An Ordinance by City Utilities Committee amending the FY2006-2007 (1999 Water and Wastewater Fund) Budget in the amount of \$38,130,839.18, to transfer funds remaining from completed, realigned or discontinued projects to the Reserve for Appropriations Account, on behalf of the Department of Watershed Management; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-O-1685 (5) An Ordinance by City Utilities Committee authorizing the City of Atlanta to anticipate funds for the Care and Conserve Program, on behalf of the Department of Watershed Management, in the amount of \$700,000.00; and for other purposes.
(Councilmember Mitchell made a motion to file.)

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ORDINANCES FOR SECOND READING (CONT'D)

- 06-O-1934 (6) An Ordinance by Councilmember Carla Smith to **abandon** a portion of Fraser Street, SE located between Solomon Street and its dead-end by I-20, consisting of approximately 0.128 acre and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 53 of the 17th District, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 09/12/06 at 9:30 a.m.)**
(Councilmember Mitchell made a motion to hold for a Public Hearing.)

HELD

- 06-O-1937 (7) An Ordinance by Councilmember Ceasar C. Mitchell authorizing the Mayor to execute a Franchise Agreement with Fiberlight, LLC, to provide Telecommunications Services using the public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes. **(1st Reading, 2nd Adoption)**
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-O-1943 (8) An Ordinance by Councilmember Clair Muller authorizing the Mayor to accept a two year grant from the Turner Foundation in support of the City's Recycling Program to aid in funding appropriate staff support in the amount of \$35,000.00 for each year; and for other purposes.
(Councilmembers Smith and Muller made a motion to approve.)

FAVORABLE

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F. RESOLUTIONS

06-R-1900 (1) A Resolution by City Utilities Committee authorizing the Mayor to execute an agreement with Integral Municipal Service Corporation, for FC-3006007945, Sewer Group One Rehabilitation Phase I Pipe Bursting Contract C, for Peachtree Creek River Basin, on behalf of the Department of Watershed Management; in an amount not to exceed \$6,030,509.35; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Fac. other than Buildings) Q38I02739999 (Sewer Group One Rehabilitation); and for other purposes.

(Councilmember Shook made a motion to approve.)

FAVORABLE

06-R-1901 (2) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment Agreement No. 1 with Thyssen Krupp Elevator Corporation, for FC-6005007878, Citywide Elevator Service, on behalf of the Department of Watershed Management, for additional repairs for the Bureau of Drinking Water, in an amount not to exceed \$186,564.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension Fund) 575001 (Equipment) Q64001 (Plant Maintenance); and for other purposes.

(Councilmember Shook made a motion to approve.)

FAVORABLE

06-R-1902 (3) A Resolution by City Utilities Committee to authorize the Chief Financial Officer to pay outstanding invoices from United Consulting, for FC-7449-02B, Citywide Annual Contract for Geotechnical and Environmental Engineering, Testing and Investigation Services (RFP), on behalf of the Department of Watershed Management, in an amount not to exceed \$12,289.55; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension Fund) 524001 (Consultant/Professional Services) Q42001 (Engineering Planning & Design); and for other purposes.

(Councilmember Shook made a motion to approve.)

FAVORABLE

RESOLUTIONS (CONT'D)

- 06-R-1903 (4) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment No. 2 with Decanter Machine, Inc., FC-6004007872, for TWAS Centrifuge Maintenance and Repair, for Maintenance and Repair of Centrifuges at South River Water Reclamation Center, the Utoy Creek Water Reclamation Center, the R. M Clayton Water Reclamation Center and the Intrenchment Creek Water Reclamation Center, on behalf of the Department of Watershed Management, in an amount not to exceed \$409,052.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers.
(Councilmember Archibong made a motion to adverse. The motion to adverse failed 2-4. Councilmember Muller made a substitute motion to approve.)

FAVORABLE (4 YEA'S) MITCHELL, MULLER, SHOOK, SMITH (2 NAY'S) ARCHIBONG, YOUNG

- 06-R-1904 (5) A Resolution by City Utilities Committee authorizing the Mayor to execute an agreement with Integral Municipal Service Corporation, for FC-3006007944, Sewer Group One Rehabilitation Phase I Pipe Bursting Contract A, on behalf of the Department of Watershed Management; in an amount not to exceed \$3,760,773.30; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Fac. other than Buildings) Q38I02739999 (Sewer Group One Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

06-R-1905 (6) A Resolution by City Utilities Committee authorizing the Mayor to execute an agreement with Kemi Construction Company, Inc., for FC-3006007935, Annual Sanitary Sewer Construction Contract, on behalf of the Department of Watershed Management; in an amount not to exceed \$7,021,100.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J27 (2001 Water & Wastewater Bond Fund) 574001 (Fac. other than Buildings) Q38I02839999 (Sanitary Sewer-Annual Contract); and for other purposes.

(Councilmember Muller made a motion to approve.)

FAVORABLE

06-R-1906 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 2 with A & D Painting, Incorporated, to provide additional Painting and Pressure Washing Service for FC-6005007917, Annual Contract for Painting and Pressure Washing Services, on behalf of the Department of Watershed Management; in an amount not to exceed \$550,000.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension Fund) 523001 (Services/Repair/Maintenance Continuation) Q64001 (Plant Maintenance); and for other purposes.

(Councilmember Shook made a motion to approve.)

FAVORABLE

06-R-1907 (8) A **Substitute** Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with TAG Grinding, Inc., for FC-6005007900, Annual Contract for Yard Trimmings Program on behalf of the Department of Public Works, based on unit prices in an amount not to exceed \$17.60 per ton with an additional Fuel Cost Adjustment calculated monthly; for a total not to exceed \$750,000.00 all contracted work will be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) 524001 (Consultant/Professional Services) M38101 (Disposal-Administration); and for other purposes.

(Councilmember Muller made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

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RESOLUTIONS (CONT'D)

- 06-R-1921 (9) A Resolution by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into a Bridge Agreement between the Board of Regents of the University System of Georgia by and on behalf of Georgia State University and the City of Atlanta, for the renovation and expansion of a presently existing pedestrian bridge in accordance with Section 138-25 of the City of Atlanta's Code of Ordinances; and for other purposes.
(Councilmember Mitchell made a motion to file.)

FILE

- 06-R-1933 (10) A Resolution by Councilmember Howard Shook authorizing the Mayor or her designee to accept on behalf of the City of Atlanta an easement for a sidewalk adjacent to the property located at 293 Pharr Road and to execute and deliver to the owners of 293 Pharr Road any documents necessary to evidence the City's acceptance of the new easement; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-R-1936 (11) A Resolution by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$24,500.00 as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards at the North Avenue CSO on July 29, 2006, August 8, 2006 and August 15, 2006; Clear Creek CSO on August 20, 2006 and Custer Avenue CSO on August 22, 2006; pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes.
(Councilmember Mitchell made a motion to substitute and hold at the request of the Department of Watershed Management.)
SUBSTITUTED AND HELD

RESOLUTIONS (CONT'D)

- 06-R-1946 (12) A **Substitute** Resolution **as amended** by City Utilities Committee authorizing the Mayor to execute Amendment Agreement No. 1 with Southeast Energy Assistance, for FC-6005007948, Care and Conserve Program, on behalf of the Department of Watershed Management; extending the term of the contract to provide continued administration of the program; in an amount not to exceed \$977,651.60; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes. **(Councilmember Smith made a motion to approve on substitute.)**

FAVORABLE ON SUBSTITUTE AS AMENDED

- 06-R-1948 (13) A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with Atlantic Skanska, Inc., for FC-3005007865, West Area CSO Treatment Plant Project and to encumber Phase Three Funding in the amount of \$11,823,328.50, on behalf of the Department of Watershed Management; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water and Wastewater Renewal & Extension Fund) 574001 (Fac. other than Buildings) Q38I029094DA (West Area CSO Treatment Plant); and for other purposes. **(Councilmember Mitchell made a motion to hold at the request of Department of Watershed Management.)**

HELD

G. ORDINANCE FOR FIRST READING

- 06-O-1947 (1) An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

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H. PAPERS HELD IN COMMITTEE

- 06-O-0306 (1) An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller.)**

HELD

- 06-O-0472 (2) An Ordinance by Councilmembers C. T. Martin and Ivory L. Young, Jr. to re-name Simpson Road from H. E. Holmes Drive to West Peachtree Street, to Coretta Scott King Drive; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes. **(Held 2/14/06 awaiting decision from Coretta Scott King Commission on the appropriate honor for Mrs. King.)**

HELD

- 06-O-0560 (3) An Ordinance by Councilmember Kwanza Hall **as amended by City Utilities Committee to abandon** the following portion of right-of-way, being more specifically described in the legal description attached as Exhibit "A" and the survey attached as Exhibit "B" (1) Alexander Street between Luckie Street and Marietta Street, said property lying and being in Land Lot 79 of District 14, Fulton County, Georgia; and for other purposes. **(Public Hearing held 3/14/06) (Councilmember Smith made a motion to approve as amended.)**

FAVORABLE AS AMENDED

- 06-R-0563 (4) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-0937 (5) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "***Riparian Buffer Requirements***"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management.)**

HELD

- 06-O-1454 (6) An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** to amend Chapter 130 Solid Waste Management, Section 130-84, Rates and Charges to limit such rate to apply to lots with a residence; and for the other purposes. **(Amended and held 6/27/06 at the request of the author.)**

HELD

- 06-O-1573 (7) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions.)**

HELD

I. ITEMS NOT ON AGENDA

ORDINANCES FOR FIRST READING

- 06-O-1957 (1) An Ordinance by City Utilities Committee to **abandon** a
*** portion of Lakeside Drive between Wright Avenue and Kingsboro Road, being more specifically described in the legal description attached as Exhibit "A"; said property lying and being in Land Lot 9 of District 17, Fulton County, Georgia; and for other purposes. **(To be advertised for a Public Hearing 9/12/06 at 9:30 a.m.)**

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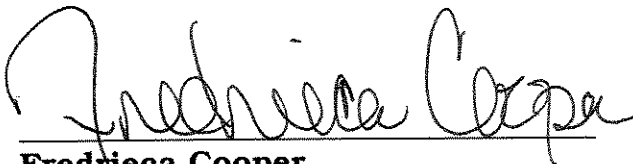
ITEMS NOT ON AGENDA (CONT'D)

06-O-1958 (2) An Ordinance by City Utilities Committee authorizing the
*** Mayor or her designee to enter into a Bridge Agreement
 between the Board of Regents of the University System of
 Georgia by and on behalf of Georgia State University and the
 City of Atlanta, for the renovation and expansion of a
 presently existing pedestrian bridge in accordance with
 Section 138-25 of the City of Atlanta's Code of Ordinances;
 and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

There being no further business to come before the Committee, the meeting was adjourned at 11:58 a. m.

Respectfully Submitted:



Fredrica Cooper
Legislative Assistant



Alfred Berry, Jr.
Research and Policy Analyst



The Honorable Caesar C. Mitchell, Chair
City Utilities Committee